HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.21227 of 1998

Dated 9th day of July, 2007

Between:

Ravula Chinna Raja Lingu
and another ..
Petitioners

And

The State of A.P., rep. by its
Secretary, Revenue Department,
Secretariat, Hyderabad
and three others ..
Respondents

O R D E R:

This writ petition is filed seeking a mandamus to declare the action of the respondents in not initiating Land Acquisition Proceedings and consequently not paying compensation to the petitioners though their lands were submerged in Dharmaram Tank, as arbitrary and illegal, and consequently direct the respondents to acquire the petitioners' lands forthwith under the Land Acquisition Act, 1894 (for brevity "the Act") and pay compensation to them.

The case of the petitioners in brief is that the 1st petitioner is the absolute owner of the land of an extent of Ac.1.00 cents in S.No.330 and the 2nd petitioner is the absolute owner of the lands of an extent of Ac.1.33 guntas in S.No.453 and Ac.0.04 guntas in S.No.483 situated in Sabbepalli village, Mancherial Mandal, Adilabad District and their lands were submerged in Dharmaram Tank. Now, their grievance is that the respondents have neither acquired their submerged lands nor paid any compensation as provided for under the Act.

Though notices are served on the respondents, they have neither chosen to file counter affidavit nor controverted the contention put forth by the learned counsel for the petitioners.

Hence, this Court has no option but to accept the contention advanced by the learned counsel for the petitioners.

In the result, the writ petition is allowed and the respondents are directed to initiate land acquisition proceedings as contemplated under the Act and pay compensation to the petitioners in accordance with law, within a period of six months from the date of receipt of a copy of this order. No costs.

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bcj 09.07.2007